



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Consideration of the Status of Animal Shelter Task Force

**MEETING DATE:** June 6, 2007 (Carried over from meeting of 5/2/07)

**PREPARED BY:** Randi Johl, City Clerk

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**RECOMMENDED ACTION:** Consideration of the status of the Animal Shelter Task Force, and, if so desired, adopt resolution dissolving the Animal Shelter Task Force, creating the Lodi Animal Shelter Advisory Committee, and directing staff to return to the City Council at a future date with specific information, including, but not limited to, membership, terms, meetings, purpose, and other information as requested.

**BACKGROUND INFORMATION:** The Animal Shelter Task Force was created on September 20, 2000, to review the needs of the Animal Shelter in the City of Lodi and provide both short-term and long-term recommendations regarding the same. The Task Force currently consists of seven members with unspecified terms. The meeting schedule is as called and the staff liaison is Jeannie Biskup, Special Services Manager. The Task Force's highlights since creation include an in depth report pertaining to current and future animal shelter needs and recommendations regarding a new location and facility. Due to funding restrictions, a new facility was not built; however, the City Council authorized a temporary modular building to be moved to the Lodi Animal Shelter and approved a related Memorandum of Understanding. Staff recently received requests from the City Council pertaining to the functionality of the Task Force. The matter was discussed at the March 20, 2007, Shirtsleeve Session, which included an overall review of the City's boards and commissions. At that time, staff received various suggestions pertaining to the permanent status of the Task Force and membership and indicated it would be returning to the Council for direction.

If the Council so desires, it may make the Task Force more permanent in nature by creating a committee or commission. The creation of either a committee or commission requires specific determinations be made as to (1) membership, (2) terms, (3) location, date, time, and place of meetings, and (4) purpose. In addition, appointment to either a committee or commission will require the City meet its obligations regarding legal notifications, the application process, and postings.

Both a committee and a commission are subject to the Brown Act. The primary difference between the two procedurally is that the commission is codified in the City's Municipal Code. As a result, creation of the commission would be by ordinance and requires two readings for passage. In addition, any future changes or additions, however small or large, would require code amendments to the Municipal Code. These changes may include, but are not limited to, membership numbers, change in meetings location or dates, etc. Changes to a committee can be accomplished at a single Council meeting. In addition, the advisory nature of the group may be better served through a committee, rather than a commission.

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APPROVED: \_\_\_\_\_

Blair King, City Manager

Given the above, staff recommends the City Council, if so desired, dissolve the Animal Shelter Task Force, create the Lodi Animal Shelter Advisory Committee, and direct staff to return to the City Council at a future date with specific information, including, but not limited to, membership, terms, meetings, purpose, and other information as requested.

**FISCAL IMPACT:** Not applicable.

**FUNDING AVAILABLE:** Not applicable.

A handwritten signature in dark ink, appearing to read "Randi Juhl", is written over a horizontal line.

**Randi Juhl**  
City Clerk

**Randi Johl**

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**From:** Sue Pixler [pixlers@comcast.net]  
**Sent:** Wednesday, June 06, 2007 11:19 AM  
**To:** Randi Johl; Susan Hitchcock; Bob Johnson; JoAnne Mounce; Phil Katzakian; Lary Hansen  
**Subject:** Animal Shelter Task Force / Advisory Committee

Honorable Councilmembers -

I write to you regarding agenda item K-02 on calendar for the City Council meeting of June 6, 2007: Consideration of Status of Animal Shelter Task Force.

Some of you know from past history that I can be "wordy" regarding animal shelter issues. I will make this communication succinct, and be available to answer any specific questions and/or provide specifics and/or evidence as requested at the duly noticed Council Meeting for June 6, 2007:

**Short Answer:** I support the creation of an Animal Shelter Advisory Commission whose mission, membership, and responsibilities are contained in the Lodi Municipal Code, which would be subject to noticed public comment. This option is more acceptable than a "Committee", as proposed by staff, which is subject only to Council vote. (I attach relevant portions from the San Francisco Municipal Code establishing and governing the San Francisco City Animal Shelter Advisory Commission as a guideline). The mission would include legal and financial oversight, limited but staggered terms, and the continuance in service of the three most recent Mayor-appointees to the currently titled "Task Force" (Christy Morgan, Jayne Nielson, and Linda Castalanelli.) I myself, appointed in 2001, would like to resign. The appointment of a veterinarian is critical. If none apply who live in San Joaquin County, it is legally permissible to appoint one from outside the County. (See attached San Francisco City Code.) I believe that members of PALS serving on a Commission or Committee would have significant conflicts of interest with some shelter issues that would require their recusal on certain votes, but would otherwise be valuable. This community must recognize that an effective, low cost spay-neuter program is of the utmost importance to the continued administration of the city animal shelter. History shows that staff and volunteer groups cannot do this alone. A Commission that can advise the Council on programs proven to be effective in other communities will go a long way toward advancing this long overdue solution to most of the current shelter's problems - overpopulation, the spread of preventable disease, high euthanasia rates, understaffing, and increasing costs.

1. Significant and ongoing violations of State law, financial and drug recording protocols, and State and veterinary required humane protocols are occurring by staff at the animal shelter. Informal attempts over the last several years requesting investigation and correction of these violations have been ignored and compliance is still lacking. Citizen oversight of Animal Shelter policies and finances is critical to avoid criminal and civil sanctions against the City and its employees and the unnecessary deaths of hundreds of animals annually. Rather than take up space here I will be happy to explain the details of these violations at the Council meeting.

2. The Staff Report/ Council Communication regarding this agenda item does not identify the staff that submitted it, only that it was approved by the City Manager and prepared by the City Clerk. This alone seems to violate City Protocol regarding agenda items for Council action, and hinders effective citizen comment.

3. The Staff Report/ Council Communication on this agenda item is incomplete and inaccurate based on the City's own records, as recently communicated to the Mayor and Police Department staff, but apparently overlooked by the unidentified "staff" that drafted the Report.

4. Although named a "Task Force" upon creation by City Council vote in 2000, the mission and specified duties of the Animal Shelter Task Force have at all times been consistent with those of a City-recognized

“Committee.” Five Mayors and two City Managers have never seen the need to clarify the title of the task force, but have recognized it as having an ongoing advisory mission. A change in form should not be necessitated by a change in name. Current Task Force/Committee members were appointed by Mayors Steve Mann (2), Susan Hitchcock (2) and John Beckman (1). The two of us appointed in 2001 by Mayor Mann want to resign. Therefore, the remaining three members of the Task Force/ Committee were only appointed within the last two administrations. Why would the City Council vote **to** “un-do” the appointments of these recent citizen appointees? A mere change in name, if used to disband a diligently -serving citizen committee that is performing within the scope of its mission, is an abuse of Council power. Mayor Johnson has suggested that he will make the new appointments himself. There is simply no reason to disband the task force and then recreate a committee just for the current mayor to appoint new members. This Animal Shelter Task Force meets all the requirements for an Animal Shelter Advisory Committee as described in the Staff Report, with the exception of term limits for members, which can be added by Council action at a single meeting. Change the name, add term limits, adjust the mission as necessary, and let’s move forward.

5. The original and continually recognized mission of the Animal Shelter Task Force has been to research and report on short term and long term recommendations for the animal shelter. The 2001 First Report of the Animal Shelter Task Force reported on the results of our initial research, which included recommendations for present facility improvement and programmatic changes. **THE MISSION WAS NOT AND HAS NEVER BEEN SOLELY TO DESIGN A NEW ANIMAL SHELTER FACILITY.** The City Council as constituted in 2002 voted to pursue the long term recommendations of the Task Force - **a new animal shelter facility combined with outreach spay/neuter and education programs** - instead of putting money into the old, dilapidated, inhumane and, as several then-Council Members called it, the “substandard,” “inhumane,” “insufficient “embarrassing, ““outdated” and “deplorable” conditions provided by the 1960’s era facility. Subsequent State and local fiscal shortfalls put the capital improvements on indefinite hold. The demise of plans for a new shelter facility has not changed the conditions at the current facility that even more desperately needs attention.

6. Four City Councils and two Police Chiefs have entered declarations, resolutions, offered letters of support, and promised resources for Lodi becoming a “No Kill” City. Yet Lodi still kills the same statistically high percentage of unwanted and homeless animals that are presented to the shelter as it did in 1999. The number of animals received into the shelter has been steadily increasingly since records began in 1999. This shows that staff and local volunteer groups have been unable to provide a consistently successful method for reducing the number of animals that come into the shelter, despite hundreds of thousands of dollars in grant programs over the past six years for adoption, education, and “comfort.” Why not let **an** advisory board of knowledgeable but disinterested commission members (i.e., those not on Boards of non-profits who are in line for grant monies that may be used for programs inconsistent with decreasing City costs and total euthanasia numbers) research, design, and oversee, **a** spay/neuter program that actually saves the City money by decreasing the number of animals that need to be kenneled, cleaned, fed and then killed and disposed of at great City expense?

7. The citizen volunteers on the Task Force, at present all women, have in good faith given their time and energy toward the mission of recommending improvements at the Lodi Animal Shelter, yet were recently insulted at a public meeting by suggestion that a Committee would more appropriately include members with “professional” backgrounds. (The Council can see from the record that current members include local business owners, an attorney, a County retiree, and other gainfully employed college graduates.) What is the City looking for? Let’s be up front if certain genders or affiliations are required.

8. Mayor Johnson, Task Force liason Jeanie Biskup, and Captain David Main of the Police Department have all suggested that a future animal shelter committee focus on fund raising, starting programs that the City is unable to attend to, and/or helping to adopt out the continually increasing number of unwanted animals taken into City Animal Services. This is the equivalent of asking a commission of experts to hold a bake sale for new Air Force bombers. An Animal Shelter Advisory Commission needs to have broad authority to become the experts on sheltering, **to** identify the problems faced by the present shelter, and to propose realistic solutions to the City

Council. The Council can then decide whether to proceed with the recommendations and how to fund them. I question how appropriate it is for a Brown Act commission to be directly raising funds. PALS has announced itself as the fund-raising arm of the shelter. They are very good at this, and have an MOU with the City. Let this relationship raise funds that the City cannot supply.

**Randi Johl**

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**From:** Sue Pixler [pixlers@comcast.net]  
**Sent:** Wednesday, June 06, 2007 5:20 PM  
**To:** Randi Johl; Susan Hitchcock Bob Johnson; JoAnne Mounce; Phil Katzakian; Larry Hansen  
**Subject:** 6/6 Agenda Item Comment \_ Animal Services Commission

The following is the San Francisco Animal Welfare Commission information that I referenced in my earlier email. This commission and its enabling ordinance can provide an excellent guideline for Lodi to follow in adopting its own commission.

The Commission of Animal Control & Welfare is a representative body acting as the eyes and ears of the San Francisco Board of Supervisors with regard to animal issues within the City. The Commission is an advisory body and makes recommendations to the Board. The Board of Supervisors is responsible for all policy decisions and development.

Enacting Legislation Section 41.2

#### Membership

The Commission of Animal Control and Welfare shall consist of the Director of Animal Care and Control or his or her designated representative, seven members to be appointed by the Board of Supervisors and one city department representative member appointed by each of the following: the Director of the Department of Health or his or her designated representative, the Chief of Police or his or her designated representative, and the General Manager of the Recreation and Park Department or his or her designated representative. The members appointed by the Board of Supervisors shall be six members representing the general public having interest and experience in animal matters and one licensed veterinarian practicing in San Francisco. Each member of the Commission shall be resident of the City and County of San Francisco, except for the licensed veterinarian, who must practice in San Francisco, but who need not be a resident of San Francisco.

Voting members of the Commission shall consist only of the seven members appointed by the Board of Supervisors. The Director of the Animal Care and Control Department, the Director of the Department of Public Health, the Chief of Police, and the General Manager of the Recreation and Park Department, or their designated representatives, shall report to the Commission regarding their respective Department's activities, and participate in general discussions before the Commission as non-voting members.

Three of the members who are first appointed by the Board of Supervisors shall be designated to serve for terms of one year and three for two years from the date of their appointment. Thereafter, members shall be appointed as a *foresaid* for a term of two years, except that all of the vacancies occurring during a term shall be filled for the unexpired term. A member shall hold office until his or her successor has been appointed and qualified. The Commission shall elect a chairman from among its appointed members. Any member who misses three regularly scheduled meetings of the Commission during each two year term without the express approval of the Commission given at regularly scheduled meetings will be deemed to have resigned from the Commission.

The term of office as chairman of the Commission shall be for a year or for the portion thereof remaining after each such chairman is elected. No member of the Commission shall receive compensation for serving thereon.

No two individuals on the Commission shall be representatives, employees or officers of the same group, association, corporation, organization or City Department.

#### Considered/Addressed Issues

The commission has jurisdiction to address issues of animal abuse, cruelty, nuisance or any conditions that may directly or indirectly affect animals. The Commission's work focuses on the great variety of animals such as companion animals, wild animals, reptiles, birds, animals bred for human consumption, etc.

A few of the issues that have been addressed by the Commission include:

- Feral cat management
- Animal protection in domestic violence situations
- Cat dumping
- African Clawed Frogs in Golden Gate Park ponds
- Incentive opportunities for pet-friendly landlords
- Rabbit coursing

Spay/Neuter legislation possibilities  
Prospects for expanding Fish & Game's representation in SF  
Removal of elephants from the SF Zoo  
Banning the sale of foie gras  
Owner/guardian language  
Pets riding on MUNI  
Banning the sale of fur  
Recreation & Park Department's Dog Policy  
Humane treatment for UCSF laboratory animals  
Live animal markets  
Cat declawing  
Bite-and-run legislation  
Responsible and humane care for outdoor dogs

**As** an advisory body, the Commission makes recommendations to the Board of Supervisors regarding animal issues. The Board is responsible for all policy decisions and development.

Insight and announcements provided by community members aids the Commission in its work. Public participation and input at meetings are welcome. Community members may also influence public policy by writing and/or calling their Supervisors and providing further representation of the importance of the issues and circumstances facing animals in our community.